

UNITED STATES DISTRICT COURT

for the

District of Rhode Island



Division

LATOYA BROWN-ALLEN
ANDREW K. HARDING

Case No. _____

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

DeFelice Management

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

FILED
2023 NOV 28 P 12:56
CLERK OF DISTRICT COURT
DISTRICT OF RHODE ISLAND

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	LATOYA BROWN-ALLEN; ANDREW K. HARDING
Street Address	126 TOLLGATE RD, # 25
City and County	WARWICK, KENT
State and Zip Code	RHODE ISLAND 02886
Telephone Number	617-959-1004
E-mail Address	latoy0711@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

Defendant No. 1

Name [REDACTED] LBA
Job or Title *(if known)* DeFelice Management
Street Address 3970 Post Rd.
City and County Warwick, KENT
State and Zip Code RHODE ISLAND 02886
Telephone Number 401-885-3000
E-mail Address *(if known)* [REDACTED] LBA

Defendant No. 2

Name _____
Job or Title *(if known)* _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address *(if known)* _____

Defendant No. 3

Name _____
Job or Title *(if known)* _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address *(if known)* _____

Defendant No. 4

Name _____
Job or Title *(if known)* _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address *(if known)* _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

VIOLETION OF ARTICLE ONE SECTION 10. IMPAIRMENT OF CONTRACT; DEMANDING PAYMENTS FOR DEBTS IN OTHER THAN GOLD AND SILVER

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* LATOYA BROWN-ALLEN; ANDREW K. HARDING, is a citizen of the State of *(name)* RHODE ISLAND.

b. If the plaintiff is a corporation

The plaintiff, *(name)*, is incorporated under the laws of the State of *(name)*, and has its principal place of business in the State of *(name)*.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)*, is a citizen of the State of *(name)*. Or is a citizen of *(foreign nation)*.

b. If the defendant is a corporation

The defendant, (name) DeFelice Management, is incorporated under the laws of the State of (name) RHODE ISLAND, and has its principal place of business in the State of (name) RHODE ISLAND.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) WARWICK, RHODE ISLAND.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:
TENDER OF PAYMENT FOR \$75,000 PURSUANT TO UCC 3-603/3-604 (RIGL 6A-3-603/604)
WAS REFUSED BY THE DEFENDANT FOR PAYMENT OF BACK RENT AND REFUSAL OF
TENDER WAS DISCHARGE.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

DEFENDANT LITIGATED MATTER TO RECOVER BACK RENT, ATTORNEY FEES AND
POSSESSION OF UNIT OCCUPIED BY PLAINTIFF LOCATED AT 126 TOLLGATE RD, #25
WARWICK RI, 02886

B. What date and approximate time did the events giving rise to your claim(s) occur?

On October 19th in Good Faith, we reached out to Tim Lambert of DeFelice Management to offer a Tender of Payment for Back Rent and to move forward with our lives. Tim advised he would give that offer to the Counsel for review. Counsel on 10/26 prior to hearing wanted to discuss how to come to an agreement. Then refused the Tender. Judge sided with Defendant and Discharged the Debt, but Awarded Possession of the Unit, which is Incongruent.

- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*
Signed Lease 3/10/23, Lease terms 4/1/23 thru 3/31/2024 @ \$1500/mo Total of \$18000 for full term of lease.
We offered a Tender of Payment for Debt due in Good Faith on 10/19/2023
Arthur Russo rejected our offer prior to hearing on 10/26/2023
Judged discharged debt due to refusal of tender, but awarded possession of the unit. 10/26/2023
Appealed 10/27/2023. Clerk of 3rd District Court, violated Article 1 section 10 of the constitution by accepting Federal Reserve Notes (gold and silver for payment of debts). Also RI Constitution Article 1, Section 12 (No impairment of Contracts)
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IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

I am in remission for cancer and have been going to chemotherapy while dealing with stress, anxiety and fear that me, my life partner who has Type 2 diabetes and my autistic children would be homeless. The mental anguish of having to find a place to live in the middle of winter. Then to take into consideration we may have to change schools for my children. A possibility of having to change medical providers. We have to take into consideration of convenience of medical care due to our life and death medical issues. This has caused unwarranted duress on our relationship due to the uncertainty of our living situation which I Pray to God will work out in our favor. As this year we have seen so much death to family and friends. Its just too much. Then the Cherry on Top is we are dealing with a corporation that is purely about the dollar without no regard to the livelihoods of people they have contracts with.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

We truly pray to God that this honorable court grant the injunction to block possession of the unit by the Defendant. As we tendered an offer in good faith to clear up the debt, Counsel Arthur Russo on behalf of the Defendant rejected our Tendered Payment which is discharge. Judge dismissed motion for damages, but awarded possession, which was really confusing as now the Defendant has breach leasing agreement as we were ready able and willing to make amends in Good Faith. The Counsel of the Defendant in Condescending fashion rejected our offer. We request that we are able to keep possession of the unit at 126 tollgate Road # 25 in Warwick, RI 02886 and complete the leasing obligation between the parties. Which has is from 4/1/2023 until 11:59pm on 3/31/24. We request that we keep possession of the Unit until 7/1/2024 or Until we find a new place to live, so we are able to make school and medical arrangements upon finding a new residence. Defendant will pay all moving cost to our new place of residence. As we no longer feel welcome. We also demand a refund of the \$75k special deposit with the 3rd District court for pain, suffering and mental anguish caused by this matter.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

* Date of signing:

11/28/23

* Signature of Plaintiff

* Printed Name of Plaintiff

Lakya Brown Allen / Andrew K. Harding
Lakya Brown Allen / Andrew K. Harding

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____